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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,427	10/28/2003	Kurt-Reiner Geiss	7390-X03-020	4477
27317	7590	06/20/2007	EXAMINER	
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO			SPIVACK, PHYLLIS G	
21355 EAST DIXIE HIGHWAY			ART UNIT	PAPER NUMBER
SUITE 115			1614	
MIAMI, FL 33180			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10695427	10/28/2003	GEISS ET AL.	7390-X03-020

EXAMINER

Phyllis G. Spivack

ART UNIT	PAPER
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1614 20070616

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Amendment filed on April 13, 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the new claims that are presented in the Amendment filed April 13, 2007 are drawn to methods of treating extreme physical stress in a human comprising the steps of treating a human exercised to near physical functional capacity and who is experiencing extreme physical stress as evidenced by raised serum prolactin levels, administering at least 50 mg of L-theanine, resting said human for a period of 30 minutes during which time the peripheral controls of the human are reduced and are increasingly coupled to the human central nervous system including neurotransmitters, dopamine, epinephrine, norepinephrine and serotonin which are substantially unaffected, thereby accelerating recovery of the human from extreme physical stress to complete regeneration, and, methods for accelerating recovery of humans experiencing extreme physical stress to near functional capacity comprising feeding said human about 50 mg to about 200 mg of L-theanine mixed in a foodstuff or drink, resting said human for 30 minutes to obtain complete regeneration to an unstressed physical condition.

All previously presented claims were drawn to methods for acceleration of a physiological recovery process of a body of a user after physical and/or mental stressing comprising administering L-theanine.

The following limitations were not recited in any previously presented claims: treating extreme physical stress in a human; a human exercised to near physical functional capacity; as evidenced by raised serum prolactin levels; resting said human for a period of 30 minutes during which time the peripheral controls of the human are reduced; coupled to the human central nervous system including neurotransmitters, dopamine, epinephrine, norepinephrine and serotonin which are substantially unaffected; accelerating recovery of the human from extreme physical stress to complete regeneration; humans experiencing extreme physical stress to near functional capacity; resting said human for 30 minutes to obtain complete regeneration to an unstressed physical condition; the L-theanine is enzymatically recovered.

Since the above-mentioned Amendment appears to be a bona fide attempt to reply, Applicants are given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phyllis G. Spivack whose telephone number is 571-272-0585. The Examiner can normally be reached on 10:30 AM-7 PM.

If attempts to reach the Examiner by telephone are unsuccessful after one business day, the Examiner's supervisor, Ardin Marschel can be reached on 591-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 16, 2007



Phyllis G. Spivack
Primary Examiner **PHYLLIS SPIVACK**
Art Unit: 1614 **PRIMARY EXAMINER**